IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 508 of 1993

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VITTHALBHAI PUNAMCHAND MODI

Versus

GOVT.OF GUJARAT

Appearance:

MR ASHWIN V BHATT for Petitioner

MR SP DAVE APP for Respondent No. 1

MR HM PARIKH for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 03/05/2000

ORAL JUDGEMENT

Heard the learned advocates.

This Revision Application under section 397 CRPC arises out of the judgment and order dated 22nd

September, 1993, passed by the learned Additional City Sessions Judge, Court No. 12, Ahmedabad, in Criminal Revision Application No. 155/93, preferred by the complainant-respondent no.2 herein.

It appears that the complainant had lodged a complaint against the present petitioner for commission of offences punishable under sections 406 and 420 IPC in the court of the learned Metropolitan Magistrate, Ahmedabad. It was alleged that the complainant had sold certain goods to the accused, for which the accused did not make the payment. The complaint has been registered as M.Case No.23/93. Pending trial, the complainant and the accused, both made applications for possession of the Muddamal articles. Both the applications were rejected by the learned Magistrate under order dated 30th April, 1993. Feeling aggrieved, the complainant preferred Criminal Revision Application No. 155/93 before the learned City Sessions Judge, Ahmedabad, which is disposed of as aforesaid. Feeling aggrieved, the accused has preferred the present Revision Application.

Under the impugned order, the learned City Sessions Judge has directed that the possession of the Muddamal articles be handed over to the applicant i.e. the complainant on condition that he shall execute a personal bond and a surety to the satisfaction of the court below for a sum of Rs. 20,000/- and shall also give an undertaking to produce the Muddamal articles as and when ordered and that he shall give undertaking that the said Muddamal articles shall be kept by him in their original form and shall not sell or dispose them of otherwise.

Mr. Bhatt appearing for the petitioner states that pursuant to the impugned order, the Muddamal articles have been handed over to the complainant-the respondent no.2 herein, and that the said arrangement has continued till the date. He further states that the petitioner shall have no objection if the said arrangement is continued pending trial. He, therefore, does not press this petition.

Petition is disposed of as not pressed. The possession of the Muddamal articles given to the complainant shall be subject to the final order that may be made on conclusion of the trial. Order accordingly. Rule is discharged.

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JOSHI